

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

UNITED STATES OF AMERICA,	*
	*
Plaintiff,	*
	*
v.	*
	CRIMINAL NO. 2:05-cr-119-MEF
	*
DON EUGENE SIEGELMAN, et al.,	*
	*
Defendants.	*

**DEFENDANT DON EUGENE SIEGELMAN'S  
PROPOSED VOIR DIRE QUESTIONS**

COMES NOW Defendant, Don Eugene Siegelman, and pursuant to the Court's Order of January 23, 2006 (Doc. 103), submits the following Proposed Voir Dire Questions.

1. Do any of you believe that some criminal prosecutions are purely political?
2. Do you agree that prosecutions for political reasons are okay?
3. Do any of you have any opinion as to whether or not this prosecution of Governor Siegelman is motivated, at least in part, by politics?
4. The Public Integrity Section of the Justice Department headquartered in Washington, D.C. is represented on the Government side by Mr. Richard C. Pilger. Would any of you give any more credence to the fact that the prosecution team is, in part, based in Washington, D.C.?
5. In this case, the investigation of Governor Siegelman was conducted over a period of four years with over twenty agents and lawyers. Just because they have a lot of investigators and have acquired over one million documents, do any of you believe that the

investigation has credibility just because of its size?

6. Would any of you favor the Government's case just because Attorney General Bill Pryor's office was involved in this investigation?

7. Do any of you believe that criminal investigations, just because they are conducted by a Republican Attorney General's Administration, have any more credibility than had they been Democrats?

8. In a nutshell, do any of you believe that Republicans are any more trustworthy than Democrats?

9. Government lawyers have an obligation to seek the truth. Do any of you believe that just because government lawyers have this obligation to the judicial system that their opinions on guilt and innocence are always right?

10. In 1998, Governor Siegelman ran on an education lottery platform. Are there any of you who believe that gambling or a lottery is immoral and would, therefore, start this case off believing that Governor Siegelman was an immoral person because he tried hard to have an education lottery passed in Alabama?

11. In this case, the Government has indicted Governor Siegelman, along with three other people. Do any of you believe that you would have trouble keeping the case of Governor Siegelman separate and apart from the other defendants, so that you judge his individual innocence or guilt, not by the innocence or guilt of the other defendants, but solely by the evidence relating to him and nothing else?

12. Do any of you know why the Government has chosen to indict Governor

Siegelman along with three others in the same case?

13. In his career as Secretary of State, Attorney General, Lt. Governor and then Governor, Governor Siegelman has initiated many different programs which in his mind helped the State, such as, his education program. Has Governor Siegelman done anything in any part of his career which has offended any of you or caused any of you to start off this case with a negative opinion about Governor Siegelman?

14. The Government has indicted Governor Siegelman for thirty-four separate counts. Would any of you think that just because Governor Siegelman has a lot of charges against him, that there must be something to at least some of them?

15. Do all of you understand that a Grand Jury charge is nothing more than a charge and that it carries no weight whatsoever toward whether someone is innocent or guilty?

16. Have any of you ever heard the expression "a prosecutor can indict Santa Claus at Christmas if he wants to?"

17. For those of you who have heard or read something about this case, do you come into this room with either positive or negative feelings about Governor Siegelman, and if so, would the positives raise their hands first and would the negatives then raise their hands?

18. For you negatives, would you be able to set aside these feelings and listen only to the evidence and put out of your mind whatever you have heard or read?

19. Have any of you had friends or family express to you whether they think

Governor Siegelman is guilty or innocent? For those of you whose family or friends have expressed opinions (a) what was their expression, and (b) if this expression was negative, would you be able to put that opinion out of your mind and decide this case solely on the evidence presented from the witness stand?

20. In this case, the key Government witnesses have either made plea agreements with the Government or have been given immunity. Have you or any members of your family or friends ever cut a deal with a government agency under a plea agreement regarding criminal conduct or been given immunity from criminal prosecution and, if so, what were the circumstances?

21. People who contribute to political campaigns often do so because they want a “voice” or “access” to the candidate if he is elected. Do any of you see anything wrong or illegal with a person contributing to a campaign or a candidate receiving a campaign contribution from someone who is seeking a “voice” or “access”?

22. Governor Siegelman is charged with having taken a bribe. The Government must prove that there was a *quid pro quo* to succeed on the bribery charge. To *quid pro quo* means that there must have been an agreement to exchange money for an action Governor Siegelman agreed to do. Are there any of you who do not accept the concept that there must be a *quid pro quo* before the Government can succeed?

23. Governor Siegelman is going to be attacking the credibility of the Government’s key witnesses. The Judge will charge you at the end of this case that if you believe that a witness has lied on a material point that you may disregard that witness’

testimony in its entirety. Do all of you understand that concept – that is, that if a witness would lie upon one material point, he may lie about other material points?

24. Since the Government has the burden of proof beyond a reasonable doubt, the Government goes first. The defense goes next. Are there any of you who do not believe that you can withhold any judgment about the Governor's innocence or guilt until after the defense part of the case has been presented and all the evidence has been received?

25. Your verdict must be unanimous. If, during your deliberation, your view is in the minority and you are convinced in your own mind that you are right, do you believe that you will be able to stand your ground against a majority who believe that they are right?

Respectfully submitted,

/s/ Vincent F. Kilborn, III  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 3rd day of April, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such to all counsel of record.

/s/ Vincent F. Kilborn, III

COUNSEL